UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v. **Case No. 8:03-CR-77-T-30TBM**

HATEM NAJI FARIZ
_____/

RENEWED MOTION FOR JUDGMENT OF ACQUITTAL AND MEMORANDUM OF LAW IN SUPPORT

Defendant, Hatem Naji Fariz, by and through undersigned counsel, and pursuant to Federal Rule of Criminal Procedure 29(c)(1), respectfully requests that this Honorable Court enter a judgment of acquittal on the remaining counts against Mr. Fariz, namely Counts 1, 3, 4, 20, 33, 38, 39, and 40. As grounds in support, Mr. Fariz states:

I. Introduction

After nearly a six-month trial, on December 6, 2005, the jury reached a unanimous verdict acquitting Mr. Fariz of Count 2 (conspiracy to murder or maim persons abroad), Counts 12, 14, 15, 18, 19, and 21 (six of the seven Travel Act counts),[1] Counts 22 through 32 (all of the substantive material support counts), and Counts 34 through 37 and 41 through 43 (seven of the eleven money laundering counts). The jury did not reach a verdict as to Count 1 (RICO conspiracy), Count 3 (material support conspiracy), Count 4 (IEEPA

[1] The Court had already entered a judgment of acquittal on two Travel Act counts against Mr. Fariz (Counts 13 and 16). (Doc. 1418).

conspiracy), Count 20 (Travel Act), and Counts 33 and 38 through 40 (money laundering). The Court declared a mistrial on those counts. (Doc. 1468).

Mr. Fariz respectfully requests that this Court enter a judgment of acquittal on the remaining counts against Mr. Fariz. Mr. Fariz renews and reasserts, without repeating the arguments previously made, all Rule 29 arguments he or his co-defendants raised at the end of the government's case and at the close of all of the evidence. The instant motion raises additional arguments for the Court's consideration. Under Local Rule 3.01(d), Mr. Fariz respectfully requests oral argument. Counsel for Mr. Fariz are currently in the process of researching and preparing additional post-trial motions; the instant motion is being filed at this stage to comply with the terms of Rule 29(c)(1).

II. Argument

Mr. Fariz requests that this Court enter a judgment of acquittal as to Counts 1, 3, 4, 20, 33, 38, 39, and 40, because the government failed to prove each and every element of each of the offenses. For the ease of discussion, Mr. Fariz addresses the counts in a different order than they were presented in the Superseding Indictment.

A. Legal Standards for Rule 29 Judgment of Acquittal

Federal Rule of Criminal Procedure 29 provides that "[a]fter the government closes its evidence . . ., the court on the defendant's motion *must* enter a judgment of acquittal of any offense for which the evidence is insufficient to sustain a conviction." Fed. R. Crim. P. 29(a) (emphasis added). Pursuant to Rule 29(c)(1), "[a] defendant may move for a judgment of acquittal, or renew such motion, within 7 days . . . after the court discharges the jury."

Fed. R. Crim. P. 29(c)(1). Where the jury "has failed to return a verdict, the court may enter a judgment of acquittal." Fed. R. Crim. P. 29(c)(2). The Eleventh Circuit sets forth the standard for determining a judgment of acquittal motion as follows:

> In deciding a Rule 29 motion for judgment of acquittal, a district court must 'determine whether, viewing all the evidence in the light most favorable to the Government and drawing all reasonable inferences and credibility choices in favor of the jury's verdict, a reasonable trier of fact could find that the evidence established guilt beyond a reasonable doubt.'

United States v. Grigsby, 111 F.3d 806, 833 (11th Cir. 1997) (quoting *United States v. O'Keefe*, 825 F.2d 314, 319 (11th Cir. 1987)).

B. Count Three – Conspiracy to Provide Material Support

Mr. Fariz was charged with, and by a unanimous jury verdict acquitted of, eleven counts of providing material support to a foreign terrorist organization under 18 U.S.C. § 2339B. Specifically, Counts 22 through 32 of the Superseding Indictment charged eleven money transfers, which the government argued showed that Mr. Fariz provided, attempted to provide, or caused to be provided, differing amounts of money to the Palestinian Islamic Jihad - Shiqaqi Faction ("PIJ"). Count Three charges Mr. Fariz with conspiring to provide material support or resources to the PIJ, in violation of 18 U.S.C. § 2339B.

Mr. Fariz respectfully requests that this Court enter a judgment of acquittal on Count Three. In order to prove a violation of 18 U.S.C. § 2339B, the government had to prove that:

> First: Two or more people, in some way or manner, came to a mutual understanding to try to accomplish a common and unlawful plan;

> Second: The object of the unlawful plan was to provide material support or resources to the Palestinian Islamic Jihad - Shiqaqi Faction, as charged in the Superseding Indictment; and
>
> Third: That the Defendant, knowing the unlawful purpose of the plan, willfully joined it;
>
> To find that the Defendant acted "knowingly" in the context of this offense, [the government had to prove] beyond a reasonable doubt that:
>
> First: The Defendant knew that material support or resources would be provided to the Palestinian Islamic Jihad - Shiqaqi Faction
>
> Second: The Defendant knew either that the Palestinian Islamic Jihad - Shiqaqi Faction was designated by the United States government as a Foreign Terrorist Organization or that the Palestinian Islamic Jihad - Shiqaqi Faction was an entity that engaged in terrorist activity; and
>
> Third: The Defendant has the specific intent that the material support or resources provided would further the illegal activities of the Palestinian Islamic Jihad - Shiqaqi Faction. This intent may be determined from all of the surrounding circumstances.

(Doc. 1431, Jury Instruction No. 31).

As to the type of material support and resources at issue, the government indicated that they would not argue "monetary instruments" or "expert advice or assistance," which Congress added in 2001, or "personnel" or "training." When Mr. Fariz previously presented his Rule 29 arguments and began to address the different types of material support and

resource, the Court asked counsel to address money. Accordingly, Mr. Fariz again addresses the money at greater length in the instant motion. As to the other types, Mr. Fariz contends that the government failed to produce any evidence that Mr. Fariz conspired to provide the other types of material support or resources to the PIJ with the specific intent to further the unlawful activities of the PIJ. Should the Court want additional argument about the other types of material support or resources, Mr. Fariz would respectfully request the opportunity to submit a supplemental memorandum or to present oral argument on this issue.

The jury acquitted Mr. Fariz of every substantive material support count, each of which alleged that Mr. Fariz sent money to Salah Abu Hassanein or to Naim Nasser Bulbol. To have obtained a conviction, the government would have had to prove (1) that Mr. Fariz provided or attempted to provide material support or resources to the PIJ, and (2) that Mr. Fariz did so knowingly, including with the specific intent to further the unlawful activities of the PIJ.

The jury's verdict is consistent with Mr. Fariz's contention that the government failed to prove that Mr. Fariz provided, or conspired to provide material support or resources, *to the PIJ*, and that he had *the specific intent to further the unlawful activities of the PIJ*. Indeed, the government simply had no evidence that the money Mr. Fariz sent abroad went to anything other than for charitable giving, or that Mr. Fariz had any other intention. For example, Agent Kerry Myers conceded during his testimony that the government had no evidence that the money that Mr. Fariz sent to Salah Abu Hassanein went for anything other than food packages or school bags. Salah Daoud, whom the government called as a witness

from Middle East Financial Services ("MEFS"), the company through which the money was transferred, testified that MEFS discounted the fees for most of the transfers based on the understanding that the money was being sent for charitable purposes, and that 92% of the transactions were sent during Ramadan and the other 8% on other special occasions. (Tr. 6/29/05 a.m. at 87).

Mr. Fariz respectfully submits that the government failed to produce any evidence of these crucial elements under 18 U.S.C. § 2339B. While Count Three charges the *conspiracy* or unlawful agreement to provide material support or resources, Mr. Fariz could not have entered into an unlawful agreement because the government failed to produce any evidence that he provided the money to the PIJ with the intent to further the unlawful activities of the PIJ. *See United States v. Whiteside*, 285 F.3d 1345, 1351 n.1 (11th Cir. 2002) (reversing conspiracy convictions, based on a finding that the government had failed to prove the substantive counts of submitting false reports because reasonable people could differ as to the interpretations of the law; "Since the defendants' act of submitting the cost reports was not an illegal act, it follows *a fortiori* that defendants' alleged 'agreement' to submit those cost reports was not a criminal conspiracy.") (citing *Parr v. United States*, 363 U.S. 370, 393 (1960)). Under the reasoning of *Whiteside*, since the act of sending the money to Abu Hassanein and Bulbol was not illegal – because sending the money to Abu Hassanein and Bulbol was not providing material support or resources to the PIJ and Mr. Fariz did not have the specific intent to further the unlawful activities of the PIJ – then it follows that any

agreement to provide the money was not a criminal conspiracy. Accordingly, Mr. Fariz respectfully requests that this Court enter a judgment of acquittal on Count Three.

C. Count Four – Conspiracy to Make and Receive Contributions of Funds, Goods, or Services to or for the Benefit of a Specially Designated Terrorist

Count Four alleges that, from January 25, 1995 to the date of the Superseding Indictment, Mr. Fariz violated 18 U.S.C. § 371 by conspiring to make or receive contributions of funds, goods, or services to or for the benefit of the PIJ, Ramadan Shallah, Abd Al-Aziz Awda, and Fathi Shiqaqi, Specially Designated Terrorists ("SDT"), in violation of Executive Order 12947, 50 U.S.C. § 1705, and 31 C.F.R. § 595. For Mr. Fariz to be found guilty of Count Four, the government had to prove beyond a reasonable doubt:

First:	That two or more persons, in some way or manner, came to a mutual understanding to try to accomplish a common and unlawful plan;
Second:	That the object of the plan was to make or receive a contribution of funds, goods, or services, to, or for the benefit of, a Specially Designated Terrorist;
Third:	That the Defendant, knowing the unlawful purpose of the plan, willfully joined in it;
Fourth:	That one of the conspirators during the existence of the conspiracy knowingly committed at least one of the "overt acts" described in the Superseding Indictment; and
Fifth:	That such "overt act" was knowingly committed at or about the time alleged in an effort to carry out or accomplish some object of the conspiracy.

(Doc. 1431, Jury Instruction No. 32). To prove that Mr. Fariz acted knowingly and willfully, the government had to prove beyond a reasonable doubt that:

> First: The Defendant knew that the purpose of the plan was to make or receive a contribution of funds, goods, or services, to, or for the benefit of, an individual or entity who either had been designated as a "Specially Designated Terrorist" or (a) had committed, or posed a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, (b) had assisted in, sponsored, or provided financial, material or technological support for, or services in support of, such acts of violence, or (c) was owned or controlled by, or acted for or on behalf of, any Specially Designated Terrorist; and
>
> Second: The Defendant specifically intended that the contribution would further the unlawful activity of the Specially Designated Terrorist.

(Id.)

With respect to the issue of providing funds to the PIJ, Mr. Fariz respectfully incorporates by reference the arguments made above in support of his motion for a judgment of acquittal on Count Three. The jury found Mr. Fariz not guilty of Counts 22 through 32, which charged Mr. Fariz with providing funds to the PIJ with the specific intent to further its unlawful activities. Similarly, Mr. Fariz contends that the government failed to prove that he conspired to contribute funds to or for the benefit of the PIJ, Shallah, Shiqaqi, or Awda with the specific intent of furthering unlawful activities.

With respect to the issue of providing goods or services to Ramadan Shallah, the government presented evidence that Mr. Fariz sent newspapers and tapes to Mr. Shallah in

March 1995, *i.e.*, approximately eight months before Mr. Shallah was designated. In addition, even if these activities had occurred after Mr. Shallah was designated, the regulations at issue here specifically exempt informational materials, which include publications and tapes. 31 C.F.R. § 595.206(b); *id.* § 595.306. The government also presented evidence that Mr. Fariz attempted to call Mr. Shallah in September 2002. Again, this activity is specifically exempted by the regulation, which states that the "prohibitions do not apply to any postal, telegraphic, telephonic, or other personal communication which does not involve the transfer or anything of value." *Id.* § 595.206(a).

With respect to Abd Al-Aziz Awda, the government presented evidence that Mr. Fariz arranged an interview with him in August 2000 at the request of Sami Al-Arian. At no time did the government allege that there was anything false regarding the interview with Mr. Awda, nor did it present any evidence that Mr. Fariz provided any funds, goods, or services to Mr. Awda as a result. In any event, the interview itself was protected activity under the First Amendment and cannot expose Mr. Fariz to criminal liability under Count Four.

Finally, with respect to Fathi Shiqaqi, who was killed in late October 1995, the government did not present any evidence that Mr. Fariz had any contact with him whatsoever. The government further did not provide any evidence that Mr. Fariz conspired to make or receive any contributions of funds, goods, or services to or for the benefit of Shiqaqi with the specific intent to further the unlawful activities of Shiqaqi.

In short, there is no evidence that Mr. Fariz conspired to make or receive any contributions of funds, goods, or services to or for the benefit of an SDT with the requisite specific intent to further the unlawful activities of the PIJ. Accordingly, Mr. Fariz respectfully requests that this Court enter a judgment of acquittal on Count Four.

D. Counts 33, 38, 39, and 40 – Money Laundering

Mr. Fariz was acquitted of all eleven counts of providing material support or resources to a foreign terrorist organization under 18 U.S.C. § 2339B, where each count alleged a money transfer to Abu Hassanein or Bulbol. The very same transactions were also charged, in Counts 33 through 43, as money laundering under 18 U.S.C. § 1956(a)(2)(A). The jury reached a unanimous not-guilty verdict as to seven of these counts, but hung on the remaining four.

This Court should also enter a judgment of acquittal on the remaining money laundering counts because the government failed to prove all of the elements required to obtain a conviction under 18 U.S.C. § 1956(a)(2)(A). Specifically, the government had to prove each of the following to obtain a conviction under the money laundering statute:

> First: That the Defendant knowingly transmitted or transferred funds from a place in the United States to a place outside of the United States, or attempted to do so; and
>
> Second: That the Defendant engaged, or attempted to engage, in the transmission or transfer with the intent to promote the carrying on of "specified unlawful activity."

(Doc. 1431, Jury Instruction No. 36). The term "specified unlawful activity" was defined to mean:

> (1) knowingly providing or attempting to provide material support and resources to the Palestinian Islamic Jihad - Shiqaqi Faction, as a designated Foreign Terrorist Organization, with the specific intent to further the unlawful activities thereof; or (2) willfully contributing funds, goods and services to, or for the benefit of, the Palestinian Islamic Jihad - Shiqaqi Faction, as a Specially Designated Terrorist, with the specific intent to further the unlawful activities thereof.

(*Id.*).

As Mr. Fariz argued in a pretrial motion to dismiss, there really is no appreciable difference between the substantive material support and money laundering counts, as charged. (Doc. 707 at 24-28; Doc. 718 at 24-28). The money laundering counts do require that the money was transferred from a place inside the United States to a place outside of the United States. (Doc. 833, Order at 9-10) (rejecting multiplicity argument, finding that the money laundering requires that the money be transferred abroad, and that the material support requires the designation of a foreign terrorist organization ("FTO")).[2] Considering that Mr. Fariz did not dispute that the money was transferred from a place outside of the United States to a place outside the United States, or that the PIJ was a designated FTO, the issues were (1) whether Mr. Fariz transferred the money with the intent to provide material support or resources to the PIJ as an FTO or to contribute funds to or for the benefit of the PIJ as an SDT, and (2) whether Mr. Fariz had the specific intent to further the unlawful

[2] By making this argument, Mr. Fariz is not waiving his previous multiplicity argument.

activities of the PIJ. As with Mr. Fariz's arguments on Counts Three and Four, Mr. Fariz contends that the government failed to prove both of these elements. Accordingly, Mr. Fariz respectfully requests that this Court enter a judgment of acquittal on Counts 33, 38, 39, and 40.

E. Count 20 – Travel Act

The jury acquitted Mr. Fariz of six Travel Act counts and did not reach a verdict as to one count, Count 20. Count 20 alleges that, by a telephone conversation between Mr. Fariz and Salah Abu Hassanein on November 10, 2002, Mr. Fariz used a facility in interstate and foreign commerce with the intent to (a) commit any crime of violence to further the unlawful activity of extortion and money laundering and (b) to otherwise promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of extortion and money laundering, in violation of 18 U.S.C. § 1952(a)(2) and (3), respectively. Mr. Fariz respectfully moves for the entry of a judgment of acquittal on Count 20.

1. With the Intent To Commit A Crime of Violence to Further Extortion or Money Laundering

To prove a violation of 18 U.S.C. § 1952(a)(2), the government had to show beyond a reasonable doubt:

> First: That the Defendant used the specified facility in interstate or foreign commerce, on or about the date charged in the Superseding Indictment;
>
> Second: That the Defendant used that facility with the specific intent . . . (A) to commit a crime of violence to further

an "unlawful activity," as hereinafter defined . . . .[;] and

Third: That the Defendant thereafter knowingly and willfully performed an act . . . (A) to commit a crime of violence to further such "unlawful activity[]" . . . .

(Doc. 1431, Jury Instruction No. 34) (instruction reflecting the elements of 18 U.S.C. § 1952(a)(2) and omitting the elements specific to only 18 U.S.C. § 1952(a)(3)); 18 U.S.C. § 1952(a)(2). The unlawful activities alleged in the indictment are extortion and money laundering in violation of federal and state law.[3] A "crime of violence" is defined to mean:

> (a) an offense that has an element the use, attempted use, or threatened use of physical force against the person or property of another, or
> (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

18 U.S.C. § 16.

The government never provided any evidence that Mr. Fariz engaged in the November 20, 2002 telephone conversation *with the intent to commit a crime of violence to further extortion or money laundering*, or that *he thereafter performed or attempted to perform an act to commit a crime of violence to further such unlawful activity.* The government stipulated at trial that Mr. Fariz and the other Defendants did not personally

[3] Mr. Fariz contends that the money laundering allegations contained in the Travel Act counts are also insufficient because they fail to allege the specified unlawful activities that the money transfers were alleged to promote. Mr. Fariz fully incorporates the previous arguments he has made on this issue, including oral arguments and the arguments set forth in his previous motions. (*See, e.g.,* Doc. 1394). Mr. Fariz would also reincorporate and reassert his arguments as to extortion that he previously made in his Rule 29 arguments and other previous motions.

participate in the actual execution of the overt acts alleging acts of violence in the Superseding Indictment, in the overt acts referencing violence (Overt Acts 31 and 179), and in the acts of violence referred to in the internet and computer evidence. These stipulations were consistent with the government's statements about the evidence since the beginning of the case. *See, e.g.*, Doc. 89, Tr. 3/25/03 (Bond Hearing), at 127 (statement of AUSA Walter Furr) ("I said it before, I'll say it again, there's no allegation that any of these defendants personally participated in the commission of violent crimes."). After a review of the evidence, the jury reached a unanimous verdict as to all four Defendants acquitting them of Count Two, the conspiracy to murder or maim. There simply is no evidence that Mr. Fariz engaged in this telephone call to commit a crime of violence or that he thereafter performed an act or attempted to perform an act to commit a crime of violence to further extortion or money laundering.

In addition, even under the government's theory of the case, there is no evidence that the telephone call was engaged in to commit a crime of violence *to further the unlawful activity of money laundering.* Specifically, the government never produced any evidence that the call was made with the intent to commit a crime of violence that would further a "financial transaction that [in turn] was intended to facilitate, make easier, or help to bring about at least one of" the specified unlawful activities, or that thereafter Mr. Fariz performed or attempted to perform such an act. (Doc. 1431, Jury Instruction No. 26); *see United States v. O'Hara*, 143 F. Supp. 2d 1039, 1041-44 (E.D. Wisc. 2001) (finding that "in order to violate § 1952(a)(2), a defendant must intend to commit a crime of violence for the purpose

of furthering some other unlawful activity" and therefore that the same conduct cannot satisfy both the "crime of violence" and "unlawful activity" prongs).

Similarly, the government never produced any evidence that Mr. Fariz engaged in the telephone call to commit a crime of violence *to further the unlawful activity of extortion*. In particular, the government never produced any evidence that the call was made with the intent to commit a crime of violence that would then further "maliciously threatening an injury to the person or property of another, either verbally or by a written or printed communication, with the intent thereby to obtain pecuniary advantage," or that thereafter Mr. Fariz performed or attempted to perform such an act. (Doc. 1431, Jury Instruction No. 24). Accordingly, Mr. Fariz respectfully requests that this Court enter a judgment of acquittal as to 18 U.S.C. § 1952(a)(2).

2. With the Intent To Otherwise Promote, Manage, or Carry On Extortion or Money Laundering

Consistent with Mr. Fariz's arguments above regarding money transferred to Salah Abu Hassanein – the subject of the November 20, 2002 telephone call with Abu Hassanein – Mr. Fariz contends that the government failed to produce any evidence that Mr. Fariz intended to provide the money to the PIJ with the specific intent to further the unlawful activities of the PIJ. Accordingly, Mr. Fariz contends that the government failed to prove that he engaged in this telephone call to otherwise promote, manage, carry on, or to facilitate the promotion, management, or carrying on of extortion or money laundering. Mr. Fariz

would therefore request that the Court enter a judgment of acquittal as to 18 U.S.C. § 1952(a)(3).

F. Count One – RICO

Count One of the Superseding Indictment alleges that, from in or about 1984 and continuing until about the date of the Superseding Indictment, Mr. Fariz and the other Defendants knowingly, willfully, and unlawfully conspired to violate 18 U.S.C. § 1962(c), in violation of 18 U.S.C. § 1962(d), or RICO conspiracy. The Eleventh Circuit has indicated that "[t]o establish a RICO conspiracy, the government need[s] to prove that [the defendants] 'objectively manifested, through words or actions, an agreement to participate in . . . the affairs of [an] enterprise through the commission of two or more predicate crimes.'" *United States v. To*, 144 F.3d 737, 744 (11th Cir. 1998) (citations omitted); (Doc. 479 at 43). The government may prove the defendant's agreement to participate in two ways: (1) by showing an agreement on an overall objective, which may be proved "by circumstantial evidence showing that each defendant must necessarily have known that others were also conspiring to participate in the same enterprise through a pattern of racketeering activity," or (2) by proving that the "defendant agreed personally to commit two predicate acts and therefore to participate in a 'single objective' conspiracy." *Id.* (citations omitted); (Doc. 479 at 43-44).

Association with others is not sufficient to form the basis of a conviction for a RICO conspiracy. As the Eleventh Circuit has held, "[a] defendant must be convicted on the basis of his own proven conduct, association is not enough. RICO does not punish 'mere association with conspirators or knowledge of illegal activity; its proscriptions are directed

against conduct, not status.'" *To*, 144 F.3d at 746 (citations omitted) (reversing conviction based on insufficient evidence of participation in RICO conspiracy).

The Superseding Indictment alleges eight racketeering activities that the Defendants were alleged to specifically intend that a RICO conspiracy member would commit, namely:

(a) multiple acts involving murder in violation of Florida law;

(b) multiple acts involving extortion in violation of Florida law;

(c) acts indictable under 18 U.S.C. § 1956(a)(2) and (h) (money laundering);

(d) acts indictable under 18 U.S.C. § 1952 (Travel Act);

(e) acts indictable under 18 U.S.C. § 956 (conspiracy to murder or maim persons in a foreign country);

(f) acts indictable under 18 U.S.C. § 2339B (providing material support to a designated FTO);

(g) acts indictable under 18 U.S.C. § 1546 (fraud and misuse of visas, permits, and other documents); and

(h) acts indictable under 18 U.S.C. § 1503 (obstruction of justice).

Mr. Fariz relies on and reasserts his previous arguments for entry of judgment of acquittal on Count One. Mr. Fariz would further incorporate his arguments made above concerning the material support, IEEPA, money laundering, and Travel Act charges. At the very least, the government did not prove that Mr. Fariz had the specific intent to further the unlawful activities of the PIJ, or that he knowingly and willfully joined the RICO conspiracy with the intent that he or others would commit two or more racketeering offenses. In short,

the government never proved that Mr. Fariz's intentions and actions were other than charitable. Accordingly, Mr. Fariz respectfully requests that this Court enter a judgment of acquittal on Count One.

III. Conclusion

Based on the foregoing, Mr. Fariz respectfully requests that this Court enter a judgment of acquittal on Counts 1, 3, 4, 20, 33, 38, 39, and 40.

Respectfully submitted,

R. FLETCHER PEACOCK
FEDERAL PUBLIC DEFENDER

/s/ Kevin T. Beck
Kevin T. Beck
Florida Bar No. 0802719
Assistant Federal Public Defender

/s/ Wadie E. Said
Wadie E. Said
Assistant Federal Public Defender

/s/ M. Allison Guagliardo
M. Allison Guagliardo
Florida Bar No. 0800031
Assistant Federal Public Defender
400 North Tampa Street, Suite 2700
Tampa, Florida 33602
Telephone: 813-228-2715
Facsimile: 813-228-2562
Attorney for Defendant Fariz

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of December, 2005, a true and correct copy of the foregoing has been furnished by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Cherie L. Krigsman, Trial Attorney, U.S. Department of Justice; Alexis L. Collins, Trial Attorney, U.S. Department of Justice; William Moffitt and Linda Moreno, counsel for Sami Amin Al-Arian.

/s/ M. Allison Guagliardo
M. Allison Guagliardo
Assistant Federal Public Defender